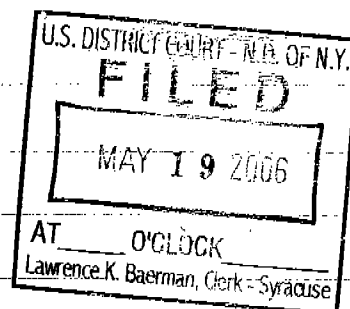


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK X  
MATTHEW JOHN MATAGRANO,  
Plaintiff



NOTICE OF MOTION

- VS -

9:05 cr 1459 (DNH/RFT)

OFFICE OF MENTAL HEALTH; REGINA  
MILES, MD; ROBERT CARR; ANN  
ANDZEL; CHRISTINE; JOHN DOE;  
n/k/a ANTHONY DEUETO; JOHN  
DINARDO; PATRICK; and CINDY  
LAW;  
Defendants. X

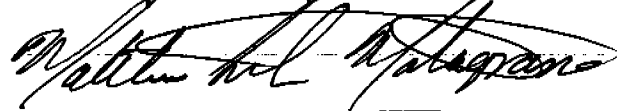
PRO-SE

PLEASE TAKE NOTICE that, upon the annexed affidavit in support of a Motion to file a Supplemental Complaint, the proposed Supplemental Complaint pursuant to Rule 15(d) of the Federal Rules of Civil Procedure and all other proceedings had herein, the plaintiff, Matthew John Matagrano, appearing pro-se and duly sworn to the 7<sup>th</sup> day of May, 2006 will move this Court on the 12<sup>th</sup> day of June, 2006 or as soon thereafter as counsel can be heard, before the Hon. Randolph F. Treece, U.S. Magistrate Judge at the U.S. Courthouse located at 100 S. Clinton Street, Syracuse N.Y. 13261-7367 for an Order granting plaintiff's request for leave to file the annexed supplemental Complaint pursuant to Rule 15(d) of the Federal Rules of Civil Procedure;

~~For~~ For an Order directing the Clerk of Court to, together with the amended Complaint Filed on or about December 2, 2005 docket the Supplemental Complaint as a part of the amended Complaint;

For an Order allowing plaintiff to amend the Jurisdictional Statement in the amended Complaint to include that this Court has Jurisdiction over plaintiff's State tort Claims pursuant to 28 U.S.C. Section 1367 (a).

Dated: May 7, 2006  
Alden, N.Y.

Respectfully Submitted,  


Matthew John Matagrano  
NO. 04-A-5883  
Wende Correctional Facility  
3040 Wende Rd Po. Box 1187  
Alden, N.Y. 14004-1187  
Plaintiff pro-se  
(716) 937-4000

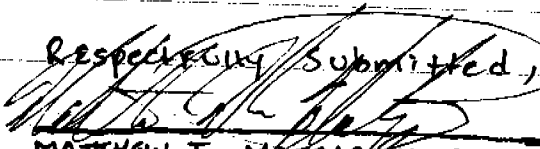
AFFIDAVIT IN SUPPORT

Matagrano v. Miles, et al;

- 3 -

For such other and further relief that this Court  
deems just and equitable.

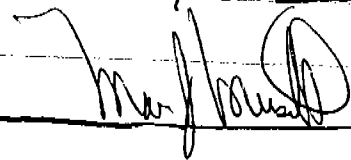
Dated: May 7, 2006  
Alden, N.Y.

Respectfully Submitted,  
  
MATTHEW J. MATAGRANO, 045883  
WENDE CORRECTIONAL FACILITY  
30-40 WENDE RD. PO. BOX 487  
ALDEN, NEW YORK 14004-1187  
(716) 937-4000

SWORN TO BEFORE ME THIS

7th

DAY OF MAY, 2006



NOTARY PUBLIC

Notary Public  
State of New York  
Qualified In Erie County  
Commission Expires  
3 of 2009  
Marc J. Musialowski

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK X

MATTHEW JOHN MATAGRANO,

Plaintiff,

- VS -

AFFIDAVIT IN SUPPORT  
FOR  
LEAVE TO FILE  
SUPPLEMENTAL COMPLAINT  
RULE 15(d) F.R.C.P.

OFFICE OF MENTAL HEALTH; REGINA MILES,  
MD; ROBERT CARR; ANN ANDZEL;  
CHRISTINE; JOHN DOE, n/k/a ANTHONY  
DEVITO; JOHN DENARDO; PATRICK;  
and CANDY LAW;

9:05 CV 1459 (DNH/RPT)

PRO-SE

Defendants X

STATE OF NEW YORK )  
COUNTY OF ERSE ) ss:

Matthew John Matagrano, being duly sworn, deposes  
and says:

- 1) I am the pro-se plaintiff in the above-captioned  
action and am familiar with all the proceedings herein;
- 2) I make this affidavit in support of my application  
for leave to file a Supplemental Complaint pursuant to  
Rule 15(d), of the Federal Rules of Civil Procedure;

For an order directing the Clerk of the Court  
to, together with the amended complaint filed on or about  
December 2, 2005 docket the Supplemental Complaint as a  
continuation of the amended complaint;

For an order allowing plaintiff to amend the

Affidavit In Support

Matagrano v. Miles, et. al

- 2 -

Jurisdictional Statement in the amended Complaint to include that this 'Court has jurisdiction over plaintiff's state tort claims pursuant to 28 U.S.C. U.S.C. Section 1367 (a).

3) That the granting of plaintiff's motion will not prejudice or unduly burden the defendants.

4) That plaintiff seeks to file a Supplemental Complaint instead of an additional amended Complaint because plaintiff does not name any new defendant's and that the additional allegations contained in the proposed Supplemental Complaint are a continuation of the allegations filed in plaintiff's Original pleading.

5) That no previous motion for the relief sought has been made herein.

W H E R E F O R E , plaintiff respectfully requests that leave pursuant to Rule 15(d) of the Federal Rules of Civil Procedure be granted;

That the Court direct the Clerk of Court to docket the Supplemental Complaint as a Continuation pleading of the amended Complaint filed on or about December 2, 2006; and

That the Court allow the plaintiff to amend the Jurisdictional Statement in the amended Complaint to include this 'Court has jurisdiction over plaintiff's state tort claims pursuant to 28 U.S.C. Section 1367 (a)